

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN EPPS,

Petitioner,

No. CIV S-04-1047 MCE KJM P

vs.

TOM L. CAREY,

Respondent.

ORDER

Petitioner has filed the following documents, which petitioner did not serve on respondent: April 18, 2005 “motion for time enlargement;” April 18, 2005 “request for extension of time;” April 18, 2005 “motion and declaration for appointment of counsel;” April 25, 2005 “objections to respondent’s answer . . .;” and May 2, 2005 “motion for judicial notice.”

Petitioner is advised that every document submitted to the court for consideration must be served on respondent. Fed. R. Civ. P. 5; Rule 11, Fed. R. Governing § 2254 Cases. Documents not to be served electronically are usually served by placing a copy in the U.S. Mail. If an attorney has filed a document with the court on behalf of respondent, then documents submitted by petitioner must be served on that attorney and not on the respondent himself. Every document submitted in hard copy format to the court (e.g., by a prisoner proceeding pro se) must include a certificate

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1 stating the date an accurate copy of the document was mailed to respondent or his attorney and
2 the address to which it was mailed. See Local Rule 5-135(b) and (c).

3 Accordingly, IT IS HEREBY ORDERED that petitioner's April 18, 2005 "motion
4 for time enlargement;" April 18, 2005 "request for extension of time;" April 18, 2005 "motion
5 and declaration for appointment of counsel;" April 25, 2005 "objections to respondent's answer .
6 . .;" and May 2, 2005 "motion for judicial notice" will be placed in the court's file and
7 disregarded. Petitioner is cautioned that failure to properly serve any documents subsequently
8 filed in this action, and failure to include a proper certificate of service with such filing, will
9 result in a recommendation that this action be dismissed.

10 DATED: May 10, 2005.

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13 UNITED STATES MAGISTRATE JUDGE
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